

COURTROOM MINUTES OF CRIMINAL PROCEEDINGS
NORFOLK/NEWPORT NEWS DIVISION

SENTENCING

Set: 9:30 a.m.
 Started: 9:32 am
 Ended: 10:18 am

Date: 5/20/21
 Judge: Robert G. Doumar, SUSDJ
 Court Reporter: Carol Naughton, OCR
 U.S. Attorney: Alan Salisbury
 Defense Counsel: Scott Hallauer, Retained
 CRD/Law Clerk: Lori Baxter / Chris Carter
 Probation Officer: Tara Gill

Case No. 2:20CR110-01 Defendant: SCOTT SUBER

X Came on for disposition. () in custody (✓) on bond

Govt/Deft motion for _____ - Argued.

_____ Granted. _____ Denied.

Presentence report reviewed. ✓ Objections heard and rulings made.

Evidence presented. (Witnesses and exhibits listed on last page)

✓ Arguments of counsel.

✓ Statement of defendant. (Sworn / Unsworn)

✓ Court finds deft. GUILTY as to Count(s) 1 after a plea before a USMJ. (LRL 12/9/20)

Defendant advised of rights and consents to proceeding via ZoomGov.

Due Process Protections Act reviewed and entered.

IMPRISONMENT

SENTENCE: Count(s) 1: The deft. shall be committed to the custody of B.O.P. to be imprisoned for a term of 24 months. The term consists of _____ months on Count _____ and a term of _____ months on Count _____, to be served

The deft. is remanded to the custody of the U.S. Marshal.

The deft. shall receive credit for time served.

✓ The deft. shall surrender for service of the sentence at the institution designated by the Bureau of Prisons/U.S. Marshal, before 2:00pm on 7/8/21, as notified by the U.S. Marshal. If no designation received, the deft. is to report to the USM, 600 Granby Street, Norfolk, VA before 2:00pm on 7/8/21.

PROBATION / SUPERVISED RELEASE

The defendant shall be on probation for a term of _____ years.

✓ Upon release from imprisonment, the deft. shall be on supervised release for a term of 3 years. This term consists of _____ years on Count _____, and _____ years on Count _____, all to run concurrently.

SPECIAL CONDITIONS OF SUPERVISION

_____ As reflected in the presentence report, the deft. presents a low risk of future substance abuse and therefore, the court hereby suspends the mandatory condition for substance abuse testing as defined by 18 USC 3563 (a)(5). However, this does not preclude the probation office from administering drug tests as they may deem appropriate.

_____ The deft. shall participate in a program approved by the United States Probation Office for substance abuse, which program may include residential treatment and testing to determine whether the deft. has reverted to the use of drugs or alcohol, with partial cost to be paid by the deft., all as directed by the probation officer.

✓ _____ The deft. shall participate in a program approved by the United States Probation Office for mental health program/~~anger management/alcohol education~~ treatment. The costs of these programs are to be paid partially by the deft. as directed by the probation officer.

✓ _____ The deft. shall waive all rights of confidentiality regarding ~~substance abuse~~ *mental health* treatment in order to allow the release of information to the United States Probation Office and the Bureau of Prisons and authorize communication between the probation officer, the Bureau of Prisons and any treatment provider.

✓ _____ The deft. shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.

✓ _____ The deft. shall provide the probation officer access to any requested financial information.

✓ _____ The defendant shall apply monies received from income tax refunds, lottery winnings, inheritances, judgments, and any anticipated or unexpected financial gains to the outstanding court-ordered financial obligation.

✓ _____ The defendant shall participate in the Treasury Offset Program.

✓ ~~_____~~ *No employment where he has access to money.*

✓ _____ The defendant shall pay for the support of his children in the amount ordered by any social service agency or court of competent jurisdiction and shall register with the Department of Child Support Enforcement in any state in which he resides.

✓ *Participate in a program for financial counseling*

_____ The deft. shall be on Home Detention, which shall include electronic monitoring at the deft's expense, for a period of _____ consecutive months/days. During this time, he/she shall remain at his/her place of residence except for employment and other activities approved in advance by the probation officer.

_____ While on home detention, the deft. shall maintain a telephone at his place of residence without party lines, telephone answering machines, a modem, "call forwarding," "caller ID," "call waiting," "portable cordless telephones or any other devices or services that may interfere with the proper functioning of the electronic monitoring equipment for the above period. He shall wear an electronic monitoring device, follow electronic monitoring procedures, and pay the cost of the electronic monitoring, all as directed by the probation officer.

_____ The defendant shall obtain a General Equivalency Diploma (GED) or a vocational skill.

_____ Upon completion of his term of imprisonment, the defendant is to be surrendered to a duly-authorized immigration official of the Dept. of Homeland Security United States Immigration and Customs Enforcement for a deportation review in accordance with established procedures provided by the Immigration and Naturalization Act, 8 U.S.C. 1101 et seq. As a further condition of supervised release, if ordered deported, the defendant shall remain outside the United States.

FINANCIAL PENALTIES

- ☒ Court finds defendant is not capable of paying a fine.
- ☒ The deft. shall pay a special assessment of \$ 100.00 as to each count. TOTAL: \$100.00
- ☐ The deft. shall pay a fine of \$ _____. Interest waived? ____ yes / ____ no
- ☒ The deft. shall make restitution in the amount of \$ 167,991.86 to Celtic Bank Corporation. Interest waived? ☒ yes / ____ no
- ☐ Restitution is joint and several with _____
- ☒ Restitution Order entered and filed in open court.
- ☐ Consent Order of Forfeiture entered and filed in open court.

SCHEDULE OF PAYMENTS

- ☒ The Special Assessment shall be due in full immediately. ^{+ Rest.}
- ☒ Any balance remaining unpaid on the special assessment at the inception of supervision shall be paid by the defendant in installments of not less than \$ 200.00 per month, until paid in full. Said payments shall commence 60 days after defendant's supervision begins. ^{rest.}
- ☐ At the time supervision commences, the probation officer shall take into consideration the defendant's economic status as it pertains to his ability to pay the special assessment ordered and shall notify the court of any changes that may be needed to be made to the payment schedule.
- ☒ Any special assessment payments may be subject to penalties for default and delinquency. ^{rest.}
- ☒ Nothing in the court's order shall prohibit the collection of any judgment or fine by the United States.
- ☒ Since this judgment imposes a period of imprisonment, payment of criminal monetary penalties, including the special assessment, shall be due during the period of imprisonment. All criminal monetary penalty payments, including the special assessment, are to be made to the Clerk, United States District Court, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

APPEAL RIGHTS/DISMISSAL OF COUNTS/BOP RECOMMENDATIONS

- ☐ The deft. notified of right of appeal.
- ☐ Court noted that deft. waived right of appeal in plea agreement.
- ☐ On motion of govt. the remaining counts of the indictment, to which the deft. has not pled guilty, are hereby dismissed.
- ☒ The deft. is continued on present bond & cautioned re: bail jumping. *(order prepared)*
- ☐ The Court recommends/directs that while incarcerated:
- ☐ The Court recommends that the defendant be housed in an institution _____
- ☐ The defendant shall participate in a substance abuse program.
- ☐ The defendant shall participate in a mental health treatment program.
- ☐ The defendant shall develop a skill or trade.
- ☐ The defendant shall obtain his/her GED.

Comments/Witnesses/Exhibits